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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,370	06/25/2003	Gerd Kellner	16703	2803
23389	7590	02/03/2006	EXAMINER	
SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530			HAYES, BRET C	
			ART UNIT	PAPER NUMBER
			3641	

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/603,370

Applicant(s)

KELLNER, GERD

Examiner

Bret C. Hayes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-55 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claim 1 is generic to a plurality of disclosed patentably distinct species comprising:
 - a. The embodiment shown in Fig. 1A;
 - b. The embodiment shown in Fig. 1B;
 - c. The embodiment shown in Fig. 1C;
 - d. The embodiment shown in Fig. 2;
 - e. The embodiment shown in Fig. 3A;
 - f. The embodiment shown in Fig. 3B;
 - g. The embodiment shown in Fig. 4;
 - h. The embodiment shown in Fig. 5;
 - i. The embodiment shown in Fig. 6;
 - j. The embodiment shown in Fig. 7;
 - k. The embodiment shown in Fig. 8;
 - l. The embodiment shown in Fig. 9;
 - m. The embodiment shown in Fig. 10;
 - n. The embodiment shown in Fig. 12;
 - o. The embodiment shown in Fig. 13;
 - p. The embodiment shown in Fig. 14;
 - q. The embodiment shown in Fig. 15;
 - r. The embodiment shown in Fig. 16;
 - s. The embodiment shown in Fig. 17;
 - t. The embodiment shown in Fig. 18;

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- u. The embodiment shown in Fig. 19;
- v. The embodiment shown in Fig. 20;
- w. The embodiment shown in Fig. 21;
- x. The embodiment shown in Fig. 22A;
- y. The embodiment shown in Fig. 22B;
- z. The embodiment shown in Fig. 23;
- aa. The embodiment shown in Fig. 24;
- bb. The embodiment shown in Fig. 25;
- cc. The embodiment shown in Fig. 26;
- dd. The embodiment shown in Fig. 27
- ee. The embodiment shown in Fig. 28;
- ff. The embodiment shown in Fig. 29;
- gg. The embodiment shown in Fig. 30;
- hh. The embodiment shown in Fig. 31;
- ii. The embodiment shown in Fig. 32;
- jj. The embodiment shown in Fig. 33;
- kk. The embodiment shown in Fig. 34;
- ll. The embodiment shown in Fig. 35;
- mm. The embodiment shown in Fig. 36;
- nn. The embodiment shown in Fig. 37; and,
- oo. The embodiment shown in Fig. 38.

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2. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

3. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bret C. Hayes whose telephone number is (571) 272 6902. The examiner can normally be reached on M-F 5:30 am to 4:00 pm.

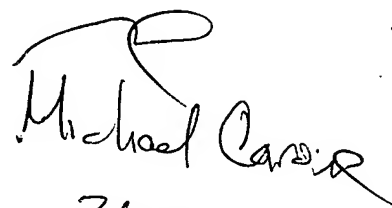
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael J. Carone can be reached on (571) 272 6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bh

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Michael Carson
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